

To: Schrock, Bill[Schrock.Bill@epa.gov]
Cc: Covington, Jeryl[Covington.Jeryl@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; Johnson, Johahna[Johnson.Johahna@epa.gov]
From: O'Lone, Mary
Sent: Tue 3/22/2016 1:14:30 AM
Subject: Looking for assistance with NC CAFO Title VI complaint

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>>>>>>
Bill-

Betsy Shaw provided your name as the OAR contact (again) for the Title VI complaint OCR has on the swine waste general permit that NC DENR/DEQ issued a year or so ago. The complaint was in ADR until last week—when ADR collapsed.

I don't know if this email ever made its way to you from Helena Wooden Aguilar. I haven't been able to find it in my email yet.

In any event, now that OCR is back in investigation mode, OCR will be scheduling an interview of Dr. Wing in the near future. We would like to talk with you first about his study referenced below. We would also like to talk to you about the other study & the status of the estimating methodology, but the Dr. Wing study is the more time sensitive items. If there is anyone else you think should review it, please let us know.

Would you (or the appropriate people in OAR) be able to take a look at the study in the next week or so?

I am on travel until Friday, but Ericka Farrell in OCR will contact you to set up a time we can talk.

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: O'Lone, Mary
Sent: Wednesday, March 25, 2015 12:37 PM
To: Wooden-Aguilar, Helena
Cc: Dorka, Lilian ; Matthew, Dayna
Subject: REACH email for Bill Schrock in OAQPS asking for specific assistance

Bill-

I am the Assistant Director for External Compliance in OCR. The Title VI investigations are handled by my group. I know you have had some back and forth with Mary O'Lone in OGC about the Title VI complaint OCR accepted for investigation in February about the renewal of NC DENR's Swine Waste Management General Permit.

While this information is not for public consumption, I wanted to let you know that both parties in the REACH complaint have agreed to begin the process of selecting a mediator for the ADR process. The next step is for the parties to come up with an agreed to list of qualities they'd like in the mediator (e.g., familiar with CAFOs, know Title VI). Then the list is sent to EPA's contractor who then provides resumes of mediators who meet those criteria. The parties look at the resumes & agree to a few mediators to interview. After both sides interview them, hopefully they will agree on a mediator and the ADR process will start.

Agreeing to the mediator is the point at which OCR will likely send the letter to the parties saying it is putting the Title VI investigation on hold. It could take several weeks (or more) to get to that point. So, in the meanwhile, OCR will continue the investigation.

As you probably know, the Complaint attached copies of several studies, referenced but did not provide copies of more studies, and we have come across references to even more studies related to impacts from air emissions from swine feeding operations. I have attached a list of the studies. At this point, OCR would like to know which of the studies on the list related to human health or other impacts from air emissions OAR already has copies of or could easily obtain copies of.

Mary mentioned in a past email that OCR may want OAQPS's assistance with the question of whether due weight could be given to any of the studies related to impacts from air emissions. At this point, we would just like to schedule a call to get OAQPS's informal reactions and thoughts about 2 studies in particular:

Steve Wing & Jill Johnston, Dep't of Epidemiology, Univ. of N.C. at Chapel Hill, *Industrial Hog Operations in North Carolina Disproportionately Impact People of Color* (2014) attached as Exhibit 4 to the complaint, and

Yelena Ogneva-Himmelberger, Liyao Huang and Hao Xin, *CALPUFF and CAFOs: Air Pollution Modeling and Environmental Justice Analysis in the North Carolina Hog Industry*, ISPRS Int. J. Geo-Inf. 2015, 4, 150-171; doi:10.3390/ijgi4010150 (Published: 26 January 2015).

More information and/or copies of the studies are available on the REACH SharePoint

site.

Also, we would like to schedule time to talk about other items of interest

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)/Deliberative

Either Mary or I will contact you to set up the call about the 2 disparate impact studies and the status of the estimating methodologies. I look forward to hearing from you about which of the other studies OAR has or can easily obtain. Thanks so much, Helena

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

To: Simons, Vicki[Simons.Vicki@epa.gov]
From: O'Lone, Mary
Sent: Fri 4/15/2016 8:47:48 PM
Subject: Fw: Urgent need for OW contact for OCR Complaint 11R-14-R4 - CAFO Complaint
Wing 2000 CAFO study.pdf

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>>>>>

Sorry Vicki, I had a typo in your name.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: O'Lone, Mary
Sent: Friday, April 15, 2016 4:46 PM
To: Shapiro, Mike
Cc: Dorka, Lilian; Golightly-Howell, Velveta; simons.vickie@epa.gov; Temple, Kurt; Farrell, Ericka
Subject: Urgent need for OW contact for OCR Complaint 11R-14-R4 - CAFO Complaint
Mike-

I was going to email Louis who you'd given Velveta as the OW contact, but I see he is out of the office until next Thursday. We've just been notified today that Dr. Steven Wing, the author of the disproportionate impact study Earthjustice submitted in the NC swine CAFO Title VI complaint

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy it will likely be in the next two weeks.

While Dr. Wing's disproportionate impact study (I have attached it as FYI) is not focused on water issues per se, another recent study he authored (which I don't yet have a copy of) that is discussed in this article is. The article lays out some basic critiques of Dr. Wing's water study by the pork industry. <http://www.scientificamerican.com/article/pig-poop-fouls-north-carolina-streams/>

Is there someone we can speak with in OW early next week to help us prepare for the interview. Thanks so much, Mary

Mary O'Lone
Civil Rights and Finance Law Office
Office of General Counsel
US EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
(202) 564-4992

From: Shapiro, Mike
Sent: Sunday, March 13, 2016 9:32 PM
To: Golightly-Howell, Velveta; Shaw, Betsy; Starfield, Lawrence
Cc: Dorka, Lilian; Covington, Jeryl; Farrell, Ericka; Temple, Kurt; Packard, Elise; Rhodes, Julia; O'Lone, Mary; Harrell, Collette; Eby, Louis; Nagle, Deborah; Simons, Vicki
Subject: RE: EPA OCR Complaint 11R-14-R4 (ADR)
Velveta,

Louis Eby will serve as the OW POC for this case.

Mike

Michael Shapiro
Deputy Assistant Administrator, Office of Water
US EPA, 4101M
1200 Pennsylvania Ave., NW
Washington, DC 20460
202-564-5700

From: Golightly-Howell, Velveta
Sent: Wednesday, March 09, 2016 11:58 AM
To: Shaw, Betsy ; Shapiro, Mike ; Starfield, Lawrence
Cc: Dorka, Lilian ; Covington, Jeryl ; Farrell, Ericka ; Temple, Kurt ; Packard, Elise ; Rhodes, Julia ; O'Lone, Mary ; Harrell, Collette
Subject: EPA OCR Complaint 11R-14-R4 (ADR)

Hello Betsy, Mike and Larry. I'm writing to let you know that Marianne Lado Engelman of Earthjustice, the lead representative for complainants, has contacted me regarding REACH. the Title VI discrimination complaint which alleges race and national origin discrimination related to swine feeding operations in North Carolina. Ms. Lado Engelman advised that the complainants have concluded that ADR is unproductive; they therefore request that OCR reinstate its investigation. In requesting recommencement of the investigation, Ms. Lado Engelman stated:

"Finally, we wanted to mention that our initial mediation session was interrupted by an effort by the National and North Carolina Pork Councils to interject themselves into the mediation process. Despite the terms of ADR, which included a requirement that mediation be confidential, and despite our clear opposition to their self-styled "motion to intervene" in the complaint and mediation process, five representatives from the Pork Council appeared without notice to Complainants at the first mediation session. Their presence and insistence at playing a role in mediation delayed the start of our session and acted as a form of intimidation of our clients. Representatives from DEQ failed to object to the behavior. Indeed, quite the opposite, they tried to persuade Complainants to consent to bringing the Pork Councils into mediation. We thought it was relevant and important to bring these events to your attention."

FYI, in response to the councils' request to intervene in ADR, in or about January, I notified the requesters that the parties would have to agree to include them and that OCR does not participate in ADR. Ms. Lado Engelman was copied on the response.

As ADR has ended, OCR will relaunch its complaint investigation. Shortly after OCR began the investigation, you provided POCs for your office. We realize that they may have changed. Would you please provide the names of current POCs ASAP and by Friday, 3/18?

Thank you for your ongoing assistance!

Velveta

Velveta Golightly-Howell

Director, Office of Civil Rights

Environmental Protection Agency

1200 Pennsylvania Avenue, N.W.

Mail Code 1201A

Washington, DC 20460

202-564-6685

To: O'Lone, Mary[OLone.Mary@epa.gov]
From: Johnson, Johahna
Sent: Wed 5/4/2016 3:47:04 PM
Subject: RE: OCR CASE INVOLVING NC DEQ AND SWINE FEEDING OP

When I saw the email this morning, the mistake was not apparent to me. But I just noticed now that there are references to "water impacts" in the email. The attachment should be fine.

Argh!

Johahna Johnson

Civil Rights and Finance Law Office

Office of General Counsel

U.S. Environmental Protection Agency

(202) 564-6119

From: O'Lone, Mary
Sent: Wednesday, May 04, 2016 11:45 AM
To: Johnson, Johahna <Johnson.Johahna@epa.gov>
Subject: RE: OCR CASE INVOLVING NC DEQ AND SWINE FEEDING OP

Was the attachment water oriented?

I didn't really see water in the email.

I can send any fixes to Betsy if the attachment is different.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Johnson, Johahna

Sent: Wednesday, May 04, 2016 11:41 AM

To: O'Lone, Mary <OLone.Mary@epa.gov>

Subject: RE: OCR CASE INVOLVING NC DEQ AND SWINE FEEDING OP

I am so embarrassed. I thought I had caught all the references to water and switched them to air. I will send a note to Lilian to apologize.

Johahna Johnson

Civil Rights and Finance Law Office

Office of General Counsel

U.S. Environmental Protection Agency

(202) 564-6119

From: O'Lone, Mary

Sent: Wednesday, May 04, 2016 11:38 AM

To: Johnson, Johahna <Johnson.Johahna@epa.gov>

Subject: FW: OCR CASE INVOLVING NC DEQ AND SWINE FEEDING OP

Johahna-

Did the note go over to OAR that still had water in it?

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Shaw, Betsy

Sent: Wednesday, May 04, 2016 9:10 AM

To: Dorka, Lilian <Dorka.Lilian@epa.gov>

Cc: O'Lone, Mary <OLone.Mary@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Sloan <sloan_farrell@ios.doi.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>

Subject: Re: OCR CASE INVOLVING NC DEQ AND SWINE FEEDING OP

Okay. We'll take a look.

Sent from my iPhone

On May 4, 2016, at 8:59 AM, Dorka, Lilian <Dorka.Lilian@epa.gov> wrote:

Hi Betsy, I actually sent a similar not to Mike to get OW's assistance as well but we do need OAR's as well. I am copying our experts working on the case so that they can explain what we have already been discussing with Bill and John. Thanks! (Jerry/Mary, could you please fill in?)

From: Shaw, Betsy

Sent: Wednesday, May 04, 2016 8:07 AM

To: Dorka, Lilian <Dorka.Lilian@epa.gov>

Subject: Re: OCR CASE INVOLVING NC DEQ AND SWINE FEEDING OP

Hi Lilian,

I'm wondering if you meant to send this to Mike Shapiro since the questions relate to

water rather than air impacts. Let me know.

Thanks,

Betsy

Sent from my iPhone

On May 3, 2016, at 11:05 PM, Dorka, Lilian <Dorka.Lilian@epa.gov> wrote:

Hi Betsy,

I am following up on Velveta's request for OAR's assistance regarding the Title VI complaint OCR accepted for investigation regarding the renewal of NC DEQ's Swine Waste Management General Permit.

As you may know, the complaint attached copies of several studies, referenced but did not provide copies of more studies, and we have come across references to even more studies related to water impacts from swine feeding operations. I have attached a list of these studies.

Bill Shrock and John Langstaff have been very helpful in providing preliminary assistance; however, I am sending you this request to give you a heads up on the more official nature of the request and because of the resource implications.

Ex. 6 - Deliberative/Atty Client

Ex. 5 - Deliberative Process/Atty Client

Ex. 6 - Deliberative/Atty Client

We would like to discuss the studies on the attached list as well as any other relevant studies known to OAR that OCR should be aware of. More information and/or copies of some of the studies are available on the REACH SharePoint site.

Should we continue to work with Bill and John as we go down the path of the due weight evaluation? Thanks so much for your help! Lilian

<List of studies in complaint and comments - air.docx>

To: O'Lone, Mary[OLone.Mary@epa.gov]
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Sent: Wed 5/4/2016 3:40:45 PM
Subject: RE: OCR CASE INVOLVING NC DEQ AND SWINE FEEDING OP

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Johahna Johnson

Civil Rights and Finance Law Office

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U.S. Environmental Protection Agency

(202) 564-6119

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Sent: Wednesday, May 04, 2016 11:38 AM
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Johahna-

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Mary O'Lone

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Office of General Counsel

US EPA

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Washington, DC 20460

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Cc: O'Lone, Mary <OLone.Mary@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Sloan <sloan_farrell@ios.doi.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>
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To: Dorka, Lilian <Dorka.Lilian@epa.gov>
Subject: Re: OCR CASE INVOLVING NC DEQ AND SWINE FEEDING OP

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Thanks,

Betsy

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information and/or copies of some of the studies are available on the REACH SharePoint site.

Should we continue to work with Bill and John as we go down the path of the due weight evaluation? Thanks so much for your help! Lilian

<List of studies in complaint and comments - air.docx>

To: O'Lone, Mary[o'lonemary@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Fri 4/24/2015 1:54:42 PM
Subject: FW: External Compliance Program (OCR) - Seeking Assistance
[List of studies in complaint and comments.docx](#)

FYI

From: Wooden-Aguilar, Helena
Sent: Friday, April 10, 2015 8:46 AM
To: Schrock, Bill
Cc: O'Lone, Mary; Covington, Jeryl; Ericka Farrell (farrell.ericka@epa.gov); Wooden-Aguilar, Helena
Subject: External Compliance Program (OCR) - Seeking Assistance

Bill-

I am the Assistant Director for External Compliance in OCR. The Title VI investigations are handled by my group. I know you have had some back and forth with Mary O'Lone in OGC about the Title VI complaint OCR accepted for investigation in February about the renewal of NC DENR's Swine Waste Management General Permit.

While this information is not for public consumption, I wanted to let you know that both parties in the REACH complaint have agreed to begin the process of selecting a mediator for the ADR process. The next step is for the parties to come up with an agreed to list of qualities they'd like in the mediator (*e.g.*, familiar with CAFOs, know Title VI). Then the list is sent to EPA's contractor who then provides resumes of mediators who meet those criteria. The parties look at the resumes & agree to a few mediators to interview. After both sides interview them, hopefully they will agree on a mediator and the ADR process will start.

Agreeing to the mediator is the point at which OCR will likely send the letter to the parties saying it is putting the Title VI investigation on hold. It could take several weeks (or more) to get to that point. So, in the meanwhile, OCR will continue the investigation.

As you probably know, the Complaint attached copies of several studies, referenced but did not provide copies of more studies, and we have come across references to even more studies related to impacts from air emissions from swine feeding operations. I have attached a list of the studies. At this point, OCR would like to know which of the studies on the list related to human health or other impacts from air emissions OAR already has copies of or could easily obtain copies of.

Mary mentioned in a past email that OCR may want OAQPS's assistance with the question of whether due weight could be given to any of the studies related to impacts from air emissions. At this point, we would just like to schedule a call to get OAQPS's informal reactions and thoughts about 2 studies in particular:

Steve Wing & Jill Johnston, Dep't of Epidemiology, Univ. of N.C. at Chapel Hill, *Industrial Hog Operations in North Carolina Disproportionately Impact People of Color* (2014) attached as Exhibit 4 to the complaint, and

Yelena Ogneva-Himmelberger, Liyao Huang and Hao Xin, *CALPUFF and CAFOs: Air Pollution Modeling and Environmental Justice Analysis in the North Carolina Hog Industry*, ISPRS Int. J. Geo-Inf. 2015, 4, 150-171; doi:10.3390/ijgi4010150 (Published: 26 January 2015).

More information and/or copies of the studies are available on the REACH SharePoint site.

Also, we would like to schedule time to talk about other items of interest we have come across about air pollution estimating methodologies generally and those related to ammonia that EPA may be working on. Also, on NC DENR's Air Quality Division page, under the header Specific Industry Guidance, a 2002 document entitled [Air Emissions of Ammonia From Animal Operations-Joint NC DAQ and EPA report](#) appears. We are wondering what its status is these days as far as EPA is concerned and if you know how NC DENR employs it.

Either Mary or I will contact you to set up the call about the 2 disparate impact studies and the status of the estimating methodologies. I look forward to hearing from you about which of the other studies OAR has or can easily obtain.

Thanks so much,

Helena

Helena Wooden-Aguilar

Assistant Director

External Civil Rights – US EPA

202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

To: Wood, Robert[Wood.Robert@epa.gov]; Southerland, Elizabeth[Southerland.Elizabeth@epa.gov]; Behl, Betsy[Behl.Betsy@epa.gov]; Flaherty, Colleen[Flaherty.Colleen@epa.gov]; Hisel-McCoy, Sara[Hisel-McCoy.Sara@epa.gov]; Washington, Evelyn[Washington.Evelyn@epa.gov]; Zipf, Lynn[Zipf.Lynn@epa.gov]; O'Lone, Mary[olone.mary@epa.gov]
Cc: Tejada, Matthew[Tejada.Matthew@epa.gov]; Utting, George[Utting.George@epa.gov]
From: Wiedeman, Allison
Sent: Tue 5/10/2016 2:55:04 PM
Subject: RE: need science expertise for review of water impact studies - Title IV complaint

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Thanks Rob - I am ccing your email to Mary O'Lone who is the OEJ attorney on this effort to see if this is what she needs.

Allison Wiedeman

U.S. Environmental Protection Agency

Chief, Rural Branch

Water Permits, Office of Water

Rm 7146 EPA East

Washington, D.C. 20460

202 564 0901

From: Wood, Robert
Sent: Monday, May 09, 2016 4:33 PM
To: Southerland, Elizabeth ; Behl, Betsy ; Flaherty, Colleen ; Hisel-McCoy, Sara ; Washington, Evelyn ; Zipf, Lynn
Cc: Tejada, Matthew ; Utting, George ; Wiedeman, Allison
Subject: RE: need science expertise for review of water impact studies - Title IV complaint

I assume they don't need OST's help reviewing the two listed studies (links below) as these are studies demonstrating the proximity of industrial hog farms (IHOs) to communities with certain demographic and socioeconomic characteristic in NC using census data, but not studies demonstrating health impacts from proximity to IHOs.

Ex. 5 - Deliberative Process

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if they do need help reviewing health effects studies, they really need to be more specific about what they want reviewed.

If they do need assistance reviewing the proximity studies, I suggest they consult Matt Tejada, Director OEJ as OEJ may be able to use EJ Screen to replicate the results of the proximity studies. Links to both of the proximity studies listed in Allison's email:

<http://www.ncpolicywatch.com/wp-content/uploads/2014/09/UNC-Report.pdf>

<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1637958/pdf/envhper00304-0081.pdf>

Robert K. Wood, Director

Engineering and Analysis Division

U.S. EPA Office of Water

202-566-1822

From: Southerland, Elizabeth

Sent: Monday, May 09, 2016 3:28 PM

To: Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Hisel-McCoy, Sara <Hisel-McCoy.Sara@epa.gov>; Washington, Evelyn <Washington.Evelyn@epa.gov>; Wood, Robert <Wood.Robert@epa.gov>; Zipf, Lynn <Zipf.Lynn@epa.gov>

Subject: FW: need science expertise for review of water impact studies - Title IV complaint

Importance: High

Do we have anyone who could help with a review of these studies? I personally cannot think of anyone.

From: Wiedeman, Allison

Sent: Monday, May 09, 2016 3:22 PM

To: Best-Wong, Benita <Best-Wong.Benita@epa.gov>; Evans, David <Evans.David@epa.gov>; Grevatt, Peter <Grevatt.Peter@epa.gov>; Southerland, Elizabeth <Southerland.Elizabeth@epa.gov>

Cc: Nagle, Deborah <Nagle.Deborah@epa.gov>; Utting, George <Utting.George@epa.gov>

Subject: need science expertise for review of water impact studies - Title IV complaint

Importance: High

Benita, Peter, and Betsy -

Mike Shapiro has asked us to find expertise within OW to review the various science documents described below in a complaint that our Office of Civil Rights is handling. The case was first sent to us because it is about swine CAFOs. However, we in WPD do not have the expertise to provide a review of some of the studies listed below to determine their scientific validity. Do any of you have someone in your offices that could do that?

From: Dorka, Lilian

Sent: Tuesday, May 03, 2016 10:19 AM

To: Shapiro, Mike <Shapiro.Mike@epa.gov>

Cc: Utting, George <Utting.George@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Johnson, Johanna <Johnson.Johanna@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Golightly-Howell, Velveta <Golightly-Howell.Velveta@epa.gov>

Subject: NC DEQ Swine Operation

Importance: High

Hi Mike,

I am following up on Velveta's request for OW's assistance regarding the Title VI complaint OCR accepted for investigation regarding the renewal of NC DEQ's Swine Waste Management General Permit.

As you may know, the complaint attached copies of several studies, referenced but did not provide copies of more studies, and we have come across references to even more studies related to water impacts from swine feeding operations. I have attached a list of these studies.

George Uttig has been very helpful in providing preliminary assistance; however, I am sending you this request to give you a heads up on the more official nature of the request and because of the resource implications

Ex. 5 - Deliberative Process

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We

would like OW's assistance with these evaluations.

We have limited our immediate focus to CAFO water studies in North Carolina given the state's unique soil types. Due to the **Ex. 6 - Personal Privacy** OCR has scheduled witness interviews during the week of May 9. OCR would like to schedule a call as soon as possible to prepare for those interviews and get OW's informal reactions and thoughts about the following attached studies and the underlying studies related to water impacts supporting those studies:

- Steve Wing & Jill Johnston, Dep't of Epidemiology, Univ. of N.C. at Chapel

Hill, *Industrial Hog Operations in North Carolina Disproportionately Impact*

People of Color (2014).

- Steve Wing et al., *Environmental Injustice in North Carolina's Hog Industry*, 108 Env'tl. Health

Perspectives 225, 228 (2000).

Secondly, at a later date, we would also like to discuss the other NC-specific water studies on the attached list as well as any other relevant studies from the attached list or known to OW. More information and/or copies of some of the studies are available on the REACH SharePoint site.

Finally, we are familiar with OW's July 2013 publication, "*Literature Review of Contaminants in Livestock and Poultry Manure and Implications for Water Quality*", but were wondering if there are any other studies or publications not on the attached list concerning CAFOs that OCR should be aware of?

We will contact George to set up the call about the two studies listed above and the underlying studies to prepare for the interviews. Should we continue to work with George as we go down the path of the due weight evaluation?

Thanks so much for your help! Lilian

Lilian S. Dorka

Deputy Director

Office of Civil Rights

Allison Wiedeman

U.S. Environmental Protection Agency

Chief, Rural Branch

Water Permits, Office of Water

Rm 7146 EPA East

Washington, D.C. 20460

202 564 0901

To: O'Lone, Mary[olone.mary@epa.gov]
From: Wiedeman, Allison
Sent: Wed 5/11/2016 2:52:25 PM
Subject: RE: need science expertise for review of water impact studies - Title IV complaint

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>>>>>>

Thanks Mary for setting me straight on which attorney you are. Would I refer to you in shorthand as an OCR attorney?

Allison Wiedeman

U.S. Environmental Protection Agency

Chief, Rural Branch

Water Permits, Office of Water

Rm 7146 EPA East

Washington, D.C. 20460

202 564 0901

From: O'Lone, Mary
Sent: Tuesday, May 10, 2016 1:59 PM
To: Wiedeman, Allison ; Wood, Robert ; Southerland, Elizabeth ; Behl, Betsy ; Flaherty, Colleen ; Hisel-McCoy, Sara ; Washington, Evelyn ; Zipf, Lynn
Cc: Tejada, Matthew ; Utting, George ; Johnson, Johanna ; Covington, Jeryl ; Farrell, Ericka ; Dorka, Lilian
Subject: RE: need science expertise for review of water impact studies - Title IV complaint

Thanks Allison & Robert.

Ex. 5 - Atty Client/Deliberative Process

(FYI, I am not an OEJ attorney, but instead provide legal counsel to the Office of Civil Rights which is investigating the Title VI complaint against NC DEQ related to the issuance of the swine feeding operation general permit.) Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Wiedeman, Allison

Sent: Tuesday, May 10, 2016 10:55 AM

To: Wood, Robert <Wood.Robert@epa.gov>; Southerland, Elizabeth <Southerland.Elizabeth@epa.gov>; Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Hisel-McCoy, Sara <Hisel-McCoy.Sara@epa.gov>; Washington, Evelyn <Washington.Evelyn@epa.gov>; Zipf, Lynn <Zipf.Lynn@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>

Cc: Tejada, Matthew <Tejada.Matthew@epa.gov>; Utting, George <Utting.George@epa.gov>

Subject: RE: need science expertise for review of water impact studies - Title IV complaint

Thanks Rob - I am ccing your email to Mary O'Lone who is the OEJ attorney on this effort to see if this is what she needs.

Allison Wiedeman

U.S. Environmental Protection Agency

Chief, Rural Branch

Water Permits, Office of Water

Rm 7146 EPA East

Washington, D.C. 20460

202 564 0901

From: Wood, Robert

Sent: Monday, May 09, 2016 4:33 PM

To: Southerland, Elizabeth <Southerland.Elizabeth@epa.gov>; Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Hisel-McCoy, Sara <Hisel-McCoy.Sara@epa.gov>; Washington, Evelyn <Washington.Evelyn@epa.gov>; Zipf, Lynn <Zipf.Lynn@epa.gov>

Cc: Tejada, Matthew <Tejada.Matthew@epa.gov>; Utting, George <Utting.George@epa.gov>; Wiedeman, Allison <Wiedeman.Allison@epa.gov>

Subject: RE: need science expertise for review of water impact studies - Title IV complaint

I assume they don't need OST's help reviewing the two listed studies (links below) as these are studies demonstrating the proximity of industrial hog farms (IHOs) to communities with certain demographic and socioeconomic characteristic in NC using census data, but not studies demonstrating health impacts from proximity to IHOs.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

If they do need assistance reviewing the proximity studies, I suggest they consult Matt Tejada, Director OEJ as OEJ may be able to use EJ Screen to replicate the results of the proximity studies. Links to both of the proximity studies listed in Allison's email:

<http://www.ncpolicywatch.com/wp-content/uploads/2014/09/UNC-Report.pdf>

<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1637958/pdf/envhper00304-0081.pdf>

Robert K. Wood, Director

Engineering and Analysis Division

U.S. EPA Office of Water

202-566-1822

From: Southerland, Elizabeth

Sent: Monday, May 09, 2016 3:28 PM

To: Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Hisel-Mccoy, Sara <Hisel-McCoy.Sara@epa.gov>; Washington, Evelyn <Washington.Evelyn@epa.gov>; Wood, Robert <Wood.Robert@epa.gov>; Zipf, Lynn <Zipf.Lynn@epa.gov>

Subject: FW: need science expertise for review of water impact studies - Title IV complaint

Importance: High

Do we have anyone who could help with a review of these studies? I personally cannot think of anyone.

From: Wiedeman, Allison

Sent: Monday, May 09, 2016 3:22 PM

To: Best-Wong, Benita <Best-Wong.Benita@epa.gov>; Evans, David <Evans.David@epa.gov>; Grevatt, Peter <Grevatt.Peter@epa.gov>; Southerland, Elizabeth <Southerland.Elizabeth@epa.gov>
Cc: Nagle, Deborah <Nagle.Deborah@epa.gov>; Utting, George <Utting.George@epa.gov>
Subject: need science expertise for review of water impact studies - Title IV complaint
Importance: High

Benita, Peter, and Betsy -

Mike Shapiro has asked us to find expertise within OW to review the various science documents described below in a complaint that our Office of Civil Rights is handling. The case was first sent to us because it is about swine CAFOs. However, we in WPD do not have the expertise to provide a review of some of the studies listed below to determine their scientific validity. Do any of you have someone in your offices that could do that?

From: Dorka, Lilian

Sent: Tuesday, May 03, 2016 10:19 AM

To: Shapiro, Mike <Shapiro.Mike@epa.gov>

Cc: Utting, George <Utting.George@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Johnson, Johanna <Johnson.Johanna@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Golightly-Howell, Velveta <Golightly-Howell.Velveta@epa.gov>

Subject: NC DEQ Swine Operation

Importance: High

Hi Mike,

I am following up on Velveta's request for OW's assistance regarding the Title VI complaint OCR accepted for investigation regarding the renewal of NC DEQ's Swine Waste Management General Permit.

As you may know, the complaint attached copies of several studies, referenced but did not provide copies of more studies, and we have come across references to even more studies related to water impacts from swine feeding operations. I have attached a list of these studies.

George Uttig has been very helpful in providing preliminary assistance; however, I am sending you this request to give you a heads up on the more official nature of the request and because of the resource implications.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

We

would like OW's assistance with these evaluations.

We have limited our immediate focus to CAFO water studies in North Carolina given the state's unique soil types. **Ex. 6 - Personal Privacy** the Complainant's experts, OCR has scheduled witness interviews during the week of May 9. OCR would like to schedule a call as soon as possible to prepare for those interviews and get OW's informal reactions and thoughts about the following attached studies and the underlying studies related to water impacts supporting those studies:

- Steve Wing & Jill Johnston, Dep't of Epidemiology, Univ. of N.C. at Chapel

Hill, *Industrial Hog Operations in North Carolina Disproportionately Impact*

People of Color (2014).

- Steve Wing et al., *Environmental Injustice in North Carolina's Hog Industry*, 108 Env'tl. Health Perspectives 225, 228 (2000).

Secondly, at a later date, we would also like to discuss the other NC-specific water studies on the attached list as well as any other relevant studies from the attached list or known to OW. More information and/or copies of some of the studies are available on the REACH SharePoint site.

Finally, we are familiar with OW's July 2013 publication, "*Literature Review of Contaminants in Livestock and Poultry Manure and Implications for Water Quality*", but were wondering if there are any other studies or publications not on the attached list concerning CAFOs that OCR should be aware of?

We will contact George to set up the call about the two studies listed above and the underlying studies to prepare for the interviews. Should we continue to work with George as we go down the path of the due weight evaluation?

Thanks so much for your help! Lilian

Lilian S. Dorka

Deputy Director

Office of Civil Rights

Allison Wiedeman

U.S. Environmental Protection Agency

Chief, Rural Branch

Water Permits, Office of Water

Rm 7146 EPA East

Washington, D.C. 20460

202 564 0901

To: O'Lone, Mary[OLone.Mary@epa.gov]
From: Isales, Daniel
Sent: Mon 12/5/2016 3:26:08 PM
Subject: FW: Interview with NC Waterkeepers (REACH Complaint)

Mary,

Giving you a chance to review before I reply to Marianne. Occupied on another matter now for the next couple of hours, so will be unavailable. Thanks, Dan

Ex. 5 - Deliberative Process/ Atty Client

Ex. 5 - Deliberative Process/ Atty Client

Thank you very much, Daniel

Daniel L. Isales (3RC60)

United States Environmental Protection Agency, Region III

Environmental Science Center

701 Mapes Road

Fort Meade, Maryland 20755-5350

(410) 305-3016

Isales.daniel@epa.gov

From: Marianne Engelman Lado [mailto:mengelmanlado@earthjustice.org]

Sent: Friday, December 02, 2016 7:41 PM

To: Isales, Daniel <Isales.Daniel@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>

Cc: 'Haddix, Elizabeth McLaughlin (emclaugh@email.unc.edu)' <emclaugh@email.unc.edu>;

'Ducharme, Brent' <ducharme@email.unc.edu>; Alexis Andiman <aandiman@earthjustice.org>

Subject: RE: Interview with NC Waterkeepers (REACH Complaint)

Daniel,

Thanks for organizing the interview today.

I wanted to make sure that we pin down any follow up as quickly as possible.

My notes suggest the following:

First, you expressed interest in speaking with [Ex. 6 - Personal Privacy] about the Garysburg photos. Please let me know if you have time early next week for the conversation.

I believe that Mary also said that she wanted to follow up with [Ex. 6 - Personal Privacy] on the lagoon conversion program. Again, please let me know if there are times early next week for a call with [Ex. 6 - Personal Privacy]

I know that Mary also asked for copies of comments that might have been submitted in earlier rounds of permitting. Attached please find the following examples of previous comments seeking more stringent standards in the state general swine permit. These examples supplement the comments that were attached to the complaint.

- [REDACTED] November 30, 2001 (SELC)
- [REDACTED] October 10, 2003 (SELC, Waterkeeper, et al.)
- [REDACTED] August 12, 2008 (Waterkeeper)
- [REDACTED] December 23, 2008 (Waterkeeper)
- [REDACTED] November 14, 2011 (Waterkeeper)

Please also let me know if you are planning to reach out to Christian Breen regarding the maps or are interested in any other follow up.

Best,

Marianne

Marianne Engelman Lado

Senior Staff Attorney

Earthjustice

48 Wall Street, 19th Floor

New York, NY 10005

T: 212.845.7393

F: 212.918.1556

earthjustice.org

Note: Starting January 1, 2017, I'll be launching a new environmental justice clinic at Yale Law School. Please feel free to reach me at Yale, by cell at **Ex. 6 - Personal Privacy** or by email,

Ex. 6 - Personal Privacy



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delete the message and any attachments.

From: Isales, Daniel [<mailto:Isales.Daniel@epa.gov>]
Sent: Thursday, December 01, 2016 2:44 PM
To: Marianne Engelman Lado
Cc: 'Haddix, Elizabeth McLaughlin (emclaugh@email.unc.edu)'; 'Ducharme, Brent'; Alexis Andiman
Subject: RE: Interview with NC Waterkeepers (REACH Complaint)

Marianne, Elizabeth, Brent and Alexis:

For our call tomorrow we will use the OCR bridge line:

Ex. 6 - Personal Privacy

Thanks and I look forward to speaking to you tomorrow. Daniel

Daniel L. Isales (3RC60)

United States Environmental Protection Agency, Region III

Environmental Science Center

701 Mapes Road

Fort Meade, Maryland 20755-5350

(410) 305-3016

Isales.daniel@epa.gov

From: Marianne Engelman Lado [<mailto:mengelmanlado@earthjustice.org>]

Sent: Wednesday, November 30, 2016 8:56 AM

To: Isales, Daniel <Isales.Daniel@epa.gov>

Cc: 'Haddix, Elizabeth McLaughlin (emclaugh@email.unc.edu)' <emclaugh@email.unc.edu>; 'Ducharme, Brent' <ducharme@email.unc.edu>; Alexis Andiman <aandiman@earthjustice.org>; O'Lone, Mary <OLone.Mary@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>

Subject: RE: Interview with NC Waterkeepers (REACH Complaint)

Daniel,

We're confirmed for Friday from 1-3.

Attached please find the photos. Please confirm receipt.

We look forward to receiving the call-in number, as well.

Thanks,

Marianne

Marianne Engelman Lado

Senior Staff Attorney

Earthjustice

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New York, NY 10005

T: 212.845.7393

F: 212.918.1556

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From: Isales, Daniel [<mailto:Isales.Daniel@epa.gov>]
Sent: Tuesday, November 29, 2016 1:39 PM
To: Marianne Engelman Lado
Cc: 'Haddix, Elizabeth McLaughlin (emclaugh@email.unc.edu)'; 'Ducharme, Brent'; Alexis Andiman; O'Lone, Mary; Dorka, Lilian; Covington, Jeryl; Farrell, Ericka
Subject: RE: Interview with NC Waterkeepers (REACH Complaint)

Marianne,

Thank you very much for making the arrangements on short notice-we look forward to talking to you this Friday, 12/2/16, from 1-3PM. We will make the arrangements for the conference call bridge as we intend to record it, if possible (if you have any objection to it being recorded, please let us know). As soon as we have the call-in information, we will send a follow up email.

I had one follow up request regarding your note below-I did not receive the photographs taken by Ex. 6 - Personal Privacy as an attachment to your email-could you please resend them at your earliest convenience.

Thank you very much, Daniel

Daniel L. Isales (3RC60)

United States Environmental Protection Agency, Region III

Environmental Science Center

701 Mapes Road

Fort Meade, Maryland 20755-5350

(410) 305-3016

Isales.daniel@epa.gov

From: Marianne Engelman Lado [<mailto:mengelmanlado@earthjustice.org>]

Sent: Monday, November 28, 2016 5:32 PM

To: Isales, Daniel <Isales.Daniel@epa.gov>

Cc: 'Haddix, Elizabeth McLaughlin' (emclaugh@email.unc.edu) <emclaugh@email.unc.edu>; 'Ducharme, Brent' <ducharme@email.unc.edu>; Alexis Andiman <aandiman@earthjustice.org>; O'Lone, Mary <OLone.Mary@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>

Subject: Interview with NC Waterkeepers (REACH Complaint)

Daniel,

Thanks for your email requesting information and times for a telephonic interview with Waterkeeper representatives and North Carolina Riverkeepers ("Waterkeepers").

As you know, juggling schedules in short order can be a challenge, but most of the Waterkeepers can make a call this Friday from 1-3. We're hoping that this time might work for you.

Please let us know and we can confirm the time.

As you know,

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

previously submitted a declaration in support of the Complaint. His declaration was attached to the Complaint as Exhibit 6. In the declaration, Ex. 6 - Personal Privacy describes his experience monitoring and testing waters to determine the concentration of nutrients and bacteria from sources of industrial hog operations and other sources of waste in the water, a role played by each of the Waterkeepers who will join the call. The Waterkeepers also monitor industrial hog operations from the air, file and follow up on complaints with DEQ, and have generally worked together with community members to protect the waterways of North Carolina. Ex. 6 - Personal Privacy declaration was also accompanied by multiple photographs and sample water monitoring reports, as well as an unpublished report on Stocking Head Creek by Michael A. Mallin, dated Jan. 28, 2014.

Over time, the Waterkeepers have documented the impact of the operation of industrial swine facilities under the state general permit and, also, the cumulative impacts of swine and poultry waste in eastern North Carolina waterways. We hesitate to send any additional information, given our belief that OCR has more than sufficient evidence to make a finding of discrimination under Title VI and EPA regulations and issue preliminary findings and recommendations. The information attached to and in the body of this email is sent as a supplement in preparation for the interview with the Waterkeepers, with the hope that OCR will be able to discuss this material during the call.

First, attached to this email please find a set of photographs taken by former Ex. 6 - Personal Privacy. Ex. 6 - Personal Privacy After the site visit to Garysburg, Ex. 6 - Personal Privacy noticed unusual activity involving tanker trucks in connection with a swine facility. The next day, on November 16, 2016, he arranged to fly over the facility, concerned that he had seen an effort to draw down lagoon levels in violation of state permitting requirements. Ex. 6 - Personal Privacy was able to capture an image of the lagoon and trucks, and took other photographs that appear to show a center pivot sprayer land-applying waste onto fields with ponded water, which appear saturated. Waterkeeper reported this potential violation to DEQ, which followed up and issued a notice of violation. Had Ex. 6 - Personal Privacy not been present, noticed the unusual activity, and arranged for a flyover, however, it is highly unlikely that this violation would have been noticed or addressed by DEQ.

Second, Ex. 6 - Personal Privacy will be available to speak about the series of videos that were recently

released by Waterkeeper Alliance and North Carolina Riverkeepers capturing the struggle of community members living with the impacts of industrial animal production. Together, Waterkeeper Alliance and its North Carolina counterparts present first-hand accounts of community members, scientific experts and others on the ground, showing the impacts of animal product to public health, quality of life, and local waterways. The nine short videos are listed below:

- o "The True Cost of Industrial Meat Production" -- An overview of what is happening in North Carolina, where industrial animal production has taken the place of family farms.
- o "Wasting Away" -- Highlights the problem of industrial animal waste and how the pork industry is not being held accountable to dispose of it correctly.
- o "Belly Up" -- How waste generated by industrial meat production is decimating North Carolina's waterways and in turn, killing its fish and ecosystems.
- o "Birthright" -- Community members whose families have lived on their properties for generations talk about the heritage of their land and how it has been overtaken by industrial agriculture and animal waste.
- o "Prisoners" -- Residents discuss how they have become prisoners in their own homes due to the impacts of pollution from industrial animal production, which make it nearly impossible for them to enjoy their property.
- o "Mislabeled" -- How the pork industry deceives consumers with its marketing tactics and labeling of its products.
- o "Bullied" -- Duplin County resident Elsie Herring talks about how she has been intimidated and threatened by the pork industry to remain silent about the injustices she and her family faces.
- o "Silenced" -- The pork industry intimidates by bullying and seeking to silence the people most affected by the impacts of its pollution.
- o "The Value of Land" -- The pork industry's refusal to dispose of its waste in a regulated and more sustainable manner has decimated people's property values, making them unable to move.

These videos expand on the recent landmark report and GIS initiative by Waterkeeper Alliance, North Carolina Riverkeeper organizations and Environmental Working Group that shows the location and waste outputs of more than 6,500 swine, cattle and poultry operations throughout North Carolina. (Complainants previously forwarded information on the maps produced by the GIS initiative; available at <http://waterkeeper.org/fields-of-filth-landmark-report-maps-feces-laden-hog-and-chicken-operations-in-north-carolina/>.)

The Waterkeepers can also speak to their recent experience documenting the impacts of Hurricane Matthew and, particularly, the risks posed by lagoons and sprayfields to the waterways in this low lying coastal region, which is susceptible to hurricanes. See Complaint paragraphs 75-78. The North Carolina Riverkeepers conducted flyovers, documented spraying in advance of the storm (in violation of state permit conditions), and photographed overflows and potential problems at the facilities in the aftermath of the hurricane. See photos at <https://www.flickr.com/photos/waterkeeperalliance/sets/72157673749082442>.

Please let me know if these materials raise any question or if you have questions that you'd like the Waterkeepers to consider in advance of the call. Please also let me know if you plan to circulate a call-in number or whether we should set up the call.

Sincerely,

Marianne

Marianne Engelman Lado

Senior Staff Attorney

Earthjustice

48 Wall Street, 19th Floor

New York, NY 10005

T: 212.845.7393

F: 212.918.1556

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Note: Starting January 1, 2017, I'll be launching a new environmental justice clinic at Yale Law School. Please feel free to reach me at Yale, by cell at Ex. 6 - Personal Privacy or by email,

Ex. 6 - Personal Privacy



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To: Farrell, Ericka[Farrell.Ericka@epa.gov]; Johnson, Johahna[Johnson.Johahna@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]
Cc: Dorka, Lilian[Dorka.Lilian@epa.gov]
From: O'Lone, Mary
Sent: Wed 5/11/2016 6:39:13 PM
Subject: MORE UPDATED Updated Questions for Dr. Johnston
Dr. Johnston interview Qs - 5-11-16.mmo.2.docx

;;;

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: O'Lone, Mary
Sent: Wednesday, May 11, 2016 2:36 PM
To: Farrell, Ericka ; Johnson, Johahna ; Covington, Jeryl
Cc: Dorka, Lilian
Subject: Updated Questions for Dr. Johnston

For today's call

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

To: Marianne Lado[mengelmanlado@earthjustice.org]
Cc: Farrell, Ericka[Farrell.Ericka@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Johnson, Johanna[Johnson.Johanna@epa.gov]; Alexis Andiman[aandiman@earthjustice.org]; Elizabeth McLaughlin Haddix[emclaugh@email.unc.edu]; Brent Ducharme[ducharme@email.unc.edu]
From: O'Lone, Mary
Sent: Wed 5/11/2016 2:53:39 PM
Subject: RE: This Week

;;;
Marianne-

Yes, that will be our focus. To the extent she can, we are interested in discussing the differences in the methodologies between Dr. Wing's 2000 disparities study and 2014 disparities study. With regard to the complaint, we are only planning on focusing on the paragraphs in it related to/characterizing the disparity studies. I hope that clarifies things.

Although, I am not sure I understand what you mean about Dr. Johnston not being prepared to talk about issues related to the study. But we can figure that out later today on the phone & reschedule another call if we need to. Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Marianne Lado [mailto:mengelmanlado@earthjustice.org]
Sent: Tuesday, May 10, 2016 10:18 PM
To: O'Lone, Mary
Cc: Farrell, Ericka ; Covington, Jeryl ; Johnson, Johanna ; Alexis Andiman ; Elizabeth McLaughlin Haddix ; Brent Ducharme
Subject: Re: This Week

Mary,

Thanks for the note.

Dr. Johnston has expressed her willingness to talk about issues related to the study in the future but is not prepared to talk about them tomorrow. We had discussed her availability tomorrow to

answer questions about the disparities analysis and, of course, you should feel free to ask about her expertise. We would be happy to set up another time as early as next week to discuss research on adverse impacts related to CAFOs.

Thanks again.

Marianne

On May 10, 2016, at 6:17 PM, O'Lone, Mary <OLone.Mary@epa.gov> wrote:

Marianne-

We wanted to give you and Dr. Johnston a heads up that as we go through the interview tomorrow, to help our understanding we would like to not only ask questions about the 2014 study, but also Dr. Wing's 2000 study & the provisions in the complaint that state the findings. Therefore, it would be helpful if Dr. Johnston had those documents available to refer to.

I have attached them for your convenience.

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Marianne Engelman Lado [<mailto:mengelmanlado@earthjustice.org>]

Sent: Monday, May 09, 2016 9:53 AM

To: O'Lone, Mary <OLone.Mary@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>

Subject: This Week

Mary and Ericka,

Ex. 6 - Personal Privacy

I look forward to the conversation with Dr. Johnston.

Best,

Marianne

Marianne Engelman Lado

Senior Staff Attorney

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48 Wall Street, 19th Floor

New York, NY 10005

T: 212.845.7393

F: 212.918.1556

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<2014 Wing study - Swine CAFOs NC.pdf>

To: Marianne Engelman Lado[mengelmanlado@earthjustice.org]; Farrell, Ericka[Farrell.Ericka@epa.gov]
Cc: Covington, Jeryl[Covington.Jeryl@epa.gov]; Johnson, Johanna[Johnson.Johanna@epa.gov]
Bcc: Dorka, Lilian[Dorka.Lilian@epa.gov]
From: O'Lone, Mary
Sent: Tue 5/10/2016 10:17:26 PM
Subject: RE: This Week
[North Carolina EJ Network et al Complaint under Title VI.pdf](#)
[2014 Wing study - Swine CAFOs NC.pdf](#)
[Wing 2000 CAFO study.pdf](#)

;;;;
Marianne-

We wanted to give you and Dr. Johnston a heads up that as we go through the interview tomorrow, to help our understanding we would like to not only ask questions about the 2014 study, but also Dr. Wing's 2000 study & the provisions in the complaint that state the findings. Therefore, it would be helpful if Dr. Johnston had those documents available to refer to.

I have attached them for your convenience.

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Marianne Engelman Lado [mailto:mengelmanlado@earthjustice.org]
Sent: Monday, May 09, 2016 9:53 AM
To: O'Lone, Mary ; Farrell, Ericka
Subject: This Week

Mary and Ericka,

Ex. 6 - Personal Privacy

I look forward to the conversation with Dr. Johnston.

Best,

Marianne

Marianne Engelman Lado

Senior Staff Attorney

Earthjustice

48 Wall Street, 19th Floor

New York, NY 10005

T: 212.845.7393

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To: Johnson, Johahna[Johnson.Johahna@epa.gov]
From: O'Lone, Mary
Sent: Mon 5/9/2016 3:15:30 PM
Subject: FW: NC CAFO Complaint
jill CV 2016.docx

.....
>>>>
Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Marianne Engelman Lado [mailto:mengelmanlado@earthjustice.org]
Sent: Monday, May 02, 2016 11:07 AM
To: Farrell, Ericka ; O'Lone, Mary
Cc: Dorka, Lilian ; Alexis Andiman ; Haddix, Elizabeth McLaughlin
(emclaugh@email.unc.edu) ; Ducharme, Brent
Subject: NC CAFO Complaint

Ericka and Mary,

Ex. 6 - Personal Privacy

We're on for May 11th at 3 pm with Jill Johnston. Toward that end, attached please find Dr. Johnston's c.v., which should be added to the case record. Dr. Johnston will be prepared to answer questions about the disparities analysis submitted in this case. She also has expertise relevant to an analysis of the impact of North Carolina DEQ's state general permit for swine animal operations and has generously agreed to make her self available at another time to discuss that set of issues should her involvement be helpful.

Best,

Marianne

Marianne Engelman Lado

Senior Staff Attorney

Earthjustice

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New York, NY 10005

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To: Marianne Engelman Lado[mengelmanlado@earthjustice.org]; Farrell, Ericka[Farrell.Ericka@epa.gov]
Cc: Dorka, Lilian[Dorka.Lilian@epa.gov]; Alexis Andiman[aandiman@earthjustice.org]; Haddix, Elizabeth McLaughlin (emclaugh@email.unc.edu)[emclaugh@email.unc.edu]; Ducharme, Brent[ducharme@email.unc.edu]
From: O'Lone, Mary
Sent: Mon 5/2/2016 3:11:30 PM
Subject: Re: NC CAFO Complaint

....
>>>
Marianne-

Thank you for letting us know. [Ex. 6 - Personal Privacy]
[Ex. 6 - Personal Privacy] We will also keep May 13th on our calendars just in
case [Ex. 6 - Personal Privacy]

Thank you also for sending Dr. Johnston's CV.

Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Marianne Engelman Lado
Sent: Monday, May 2, 2016 11:06:53 AM
To: Farrell, Ericka; O'Lone, Mary
Cc: Dorka, Lilian; Alexis Andiman; Haddix, Elizabeth McLaughlin (emclaugh@email.unc.edu); Ducharme, Brent
Subject: NC CAFO Complaint
Ericka and Mary,

Ex. 6 - Personal Privacy

We're on for May 11th at 3 pm with Jill Johnston. Toward that end, attached please find Dr. Johnston's c.v., which should be added to the case record. Dr. Johnston will be prepared to

answer questions about the disparities analysis submitted in this case. She also has expertise relevant to an analysis of the impact of North Carolina DEQ's state general permit for swine animal operations and has generously agreed to make her self available at another time to discuss that set of issues should her involvement be helpful.

Best,

Marianne

Marianne Engelman Lado

Senior Staff Attorney

Earthjustice

48 Wall Street, 19th Floor

New York, NY 10005

T: 212.845.7393

F: 212.918.1556

earthjustice.org



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delete the message and any attachments.

To: O'Lone, Mary[olone.mary@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Dorka, Lilian[Dorka.Lilian@epa.gov]; Rhodes, Julia[Rhodes.Julia@epa.gov]; Johnson, Johahna[Johnson.Johahna@epa.gov]
From: Golightly-Howell, Velveta
Sent: Wed 4/13/2016 3:07:07 PM
Subject: RE: EPA File No.: 11R-14-r4

.....

Agree that the interview date should be stated in the investigation re-initiation notice to Earthjustice.

Velveta

Velveta Golightly-Howell

Director, Office of Civil Rights

Environmental Protection Agency

1200 Pennsylvania Avenue, N.W.

Mail Code 1201A

Washington, DC 20460

202-564-7272

From: O'Lone, Mary

Sent: Wednesday, April 13, 2016 10:53 AM

To: Farrell, Ericka ; Covington, Jeryl ; Golightly-Howell, Velveta ; Dorka, Lilian ; Rhodes, Julia ; Johnson, Johahna

Subject: RE: EPA File No.: 11R-14-r4

Thanks.

Maybe the best thing at this point will be to edit it & send it out as a confirmation of the interview date we agree to.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Farrell, Ericka

Sent: Wednesday, April 13, 2016 10:50 AM

To: O'Lone, Mary ; Covington, Jeryl <Covington.Jeryl@epa.gov>; Golightly-Howell, Velveta <Golightly-Howell.Velveta@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; Johnson, Johanna <Johnson.Johanna@epa.gov>

Subject: RE: EPA File No.: 11R-14-r4

Mary,

The letter on re-initiation has been drafted but not sent out.

I will updated the folders.

From: O'Lone, Mary

Sent: Wednesday, April 13, 2016 10:29 AM

To: Covington, Jeryl <Covington.Jeryl@epa.gov>; Golightly-Howell, Velveta <Golightly-Howell.Velveta@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; Johnson, Johanna <Johnson.Johanna@epa.gov>

Subject: RE: EPA File No.: 11R-14-r4

Jeryl & Ericka-

Thanks for forwarding. I am fine with May 13th.

Did the letter go out to Earthjustice saying OCR was re-initiating the investigation? If so, can you please send a copy b/c I don't see it in the Open Investigations REACH folder in the OCR shared drive where other correspondence is stored.

Ex. 5 - Atty Client/ Deliberative Process

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Covington, Jeryl

Sent: Wednesday, April 13, 2016 10:05 AM

To: Golightly-Howell, Velveta <Golightly-Howell.Velveta@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; O'Lone, Mary

Subject: FW: EPA File No.: 11R-14-r4

I am in receipt of the following request from Ms. Engelman-Lado.

From: Marianne Engelman Lado [<mailto:mengelmanlado@earthjustice.org>]

Sent: Wednesday, April 13, 2016 10:02 AM

To: Covington, Jeryl <Covington.Jeryl@epa.gov>

Cc: Alexis Andiman <aandiman@earthjustice.org>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Haddix, Elizabeth McLaughlin (emclaugh@email.unc.edu) <emclaugh@email.unc.edu>

Subject: EPA File No.: 11R-14-r4

Dear Jeryl,

I am writing to request that OCR schedule an interview with Dr. Steve Wing for May 13th or, if May 13th is not possible, then on a date certain during the following week. If you are not handling this case, please feel free to refer this email to the appropriate person to handle it on an expedited basis. I am also cc'ing Lilian Dorka with the hope that she might also help facilitate OCR's response to the request.

As you may know, complainants have submitted both an expert report by Drs. Steve Wing and Jill Johnston, which presents findings on disproportionality, as well as Dr. Wing's declaration, which focuses on the impact of the recipient's decision to permit more than 2,000 swine CAFOs in eastern North Carolina without sufficient protections for the health and welfare of nearby communities. We previously alerted OCR to the fact that early in 2015, **Ex. 6 - Personal Privacy** and complainants requested that OCR interview Dr. Wing as a matter of courtesy despite the fact that the investigation was going into mediation and the investigation was otherwise on hold. (See email exchange below). OCR decided, instead, to seek the recipient's consent and the issue of the interview became a matter for mediation. We were unable to secure the recipient's consent and renewed our request that OCR interview Dr. Wing as soon as possible, at his convenience, given the competing demands on his time. **Ex. 6 - Personal Privacy** Unfortunately, **Ex. 6, 7c - Personal Privacy** He has graciously offered to make himself available **Ex. 6 - Personal Privacy** on May 13th and this email is intended as a

request to pin down that date for the interview.

Please let me know if that will work.

Thanks,

Marianne

Marianne Engelman Lado

Senior Staff Attorney

Earthjustice

48 Wall Street, 19th Floor

New York, NY 10005

T: 212.845.7393

F: 212.918.1556

earthjustice.org



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delete the message and any attachments.

From: Wooden-Aguilar, Helena [<mailto:Wooden-Aguilar.Helena@epa.gov>]

Sent: Thursday, May 28, 2015 6:23 AM

To: Marianne Engelman Lado

Cc: Covington, Jeryl; Farrell, Ericka

Subject: Re: EPA File No.: 11R-14-r4

Hi Marianne

Thanks for your email. I have alerted the Director is your request and will get to you ASAP.

Thanks,

Helena

Helena Wooden-Aguilar

Assistant Director

US Environmental Protection Agency

202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On May 27, 2015, at 1:10 PM, "Marianne Engelman Lado" <mengelmanlado@earthjustice.org> wrote:

Dear Helena,

I'm writing with regard to EPA File No. 11R-14-R4, a complaint under Title VI of the Civil Rights Act of 1964 filed on behalf of the North Carolina Environmental Justice Network, REACH and the Waterkeeper Alliance, Inc. As you know, the case has been referred to alternative dispute resolution and we are pursuing this approach. We understand that EPA's investigation is put "on hold" during this process, see <http://www.epa.gov/civilrights/faq-adrt6.htm>, but complainants request that the Office of Civil Rights might interview Steve Wing in the interim **Ex. 6 - Personal Privacy**

Ex. 6 - Personal Privacy

As you know, Dr. Wing and one of his graduate students, Jill Johnston, submitted a report and disproportionality analysis that was attached to the complaint. He is also an epidemiologist who has expertise on the impacts of CAFOs on people living and going to school in proximity to the facilities, and also on the disproportionate impacts on the basis of race. **Ex. 6 - Personal Privacy**

work, and he is willing to set up an interview with OCR over the summer. I am hopeful that you can accommodate his schedule and arrange an interview, even if the investigation is on hold.

I look forward to your response.

Best,

Marianne

Marianne Engelman Lado

Managing Attorney, Northeast Office

Earthjustice

48 Wall Street, 19th Floor

New York, NY 10005

T: 212.845.7393

F: 212.918.1556

earthjustice.org

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delete the message and any attachments.

To: O'Lone, Mary[OLone.Mary@epa.gov]
From: Johnson, Johahna
Sent: Thur 6/2/2016 1:52:18 PM
Subject: Dr. Johnston interview notes
Dr Johnston interview Qs and As - 5-11-16-2.docx

I know that we have the transcript, but for what it is worth, I wanted to share with you my notes from the interview.

Johahna Johnson

Civil Rights and Finance Law Office

Office of General Counsel

U.S. Environmental Protection Agency

(202) 564-6119

To: Covington, Jeryl[Covington.Jeryl@epa.gov]; Dorka, Lilian[Dorka.Lilian@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]
Cc: Rhodes, Julia[Rhodes.Julia@epa.gov]; O'Lone, Mary[olone.mary@epa.gov]; Temple, Kurt[Temple.Kurt@epa.gov]
From: Golightly-Howell, Velveta
Sent: Wed 4/13/2016 2:36:18 PM
Subject: RE: EPA File No.: 11R-14-r4

The interview should be scheduled for 5/13, per Earthjustice's request. Please let me know when that's done. Thanks.

Velveta

Velveta Golightly-Howell

Director, Office of Civil Rights

Environmental Protection Agency

1200 Pennsylvania Avenue, N.W.

Mail Code 1201A

Washington, DC 20460

202-564-7272

From: Covington, Jeryl
Sent: Wednesday, April 13, 2016 10:05 AM
To: Golightly-Howell, Velveta ; Dorka, Lilian ; Farrell, Ericka ; Rhodes, Julia ; O'Lone, Mary
Subject: FW: EPA File No.: 11R-14-r4

I am in receipt of the following request from Ms. Engelman-Lado.

From: Marianne Engelman Lado [<mailto:mengelmanlado@earthjustice.org>]
Sent: Wednesday, April 13, 2016 10:02 AM
To: Covington, Jeryl <Covington.Jeryl@epa.gov>
Cc: Alexis Andiman <aandiman@earthjustice.org>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Haddix, Elizabeth McLaughlin (emclaugh@email.unc.edu) <emclaugh@email.unc.edu>
Subject: EPA File No.: 11R-14-r4

Dear Jeryl,

I am writing to request that OCR schedule an interview with Dr. Steve Wing for May 13th or, if May 13th is not possible, then on a date certain during the following week. If you are not handling this case, please feel free to refer this email to the appropriate person to handle it on an

expedited basis. I am also cc'ing Lilian Dorka with the hope that she might also help facilitate OCR's response to the request.

As you may know, complainants have submitted both an expert report by Drs. Steve Wing and Jill Johnston, which presents findings on disproportionality, as well as Dr. Wing's declaration, which focuses on the impact of the recipient's decision to permit more than 2,000 swine CAFOs in eastern North Carolina without sufficient protections for the health and welfare of nearby communities. We previously alerted OCR to the fact that early in 2015, **Ex. 6, 7c - Personal Privacy** and complainants requested that OCR interview Dr. Wing as a matter of courtesy despite the fact that the investigation was going into mediation and the investigation was otherwise on hold. (See email exchange below). OCR decided, instead, to seek the recipient's consent and the issue of the interview became a matter for mediation. We were

Ex. 6 - Personal Privacy

Please let me know if that will work.

Thanks,

Marianne

Marianne Engelman Lado

Senior Staff Attorney

Earthjustice

48 Wall Street, 19th Floor

New York, NY 10005

T: 212.845.7393

F: 212.918.1556

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From: Wooden-Aguilar, Helena [<mailto:Wooden-Aguilar.Helena@epa.gov>]
Sent: Thursday, May 28, 2015 6:23 AM
To: Marianne Engelman Lado
Cc: Covington, Jeryl; Farrell, Ericka
Subject: Re: EPA File No.: 11R-14-r4

Hi Marianne

Thanks for your email. I have alerted the Director is your request and will get to you ASAP.

Thanks,

Helena

Helena Wooden-Aguilar

Assistant Director

US Environmental Protection Agency

202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On May 27, 2015, at 1:10 PM, "Marianne Engelman Lado" <mengelmanlado@earthjustice.org> wrote:

Dear Helena,

I'm writing with regard to EPA File No. 11R-14-R4, a complaint under Title VI of the Civil Rights Act of 1964 filed on behalf of the North Carolina Environmental Justice Network, REACH and the Waterkeeper Alliance, Inc. As you know, the case has been referred to alternative dispute resolution and we are pursuing this approach. We understand that EPA's investigation is put "on hold" during this process, see <http://www.epa.gov/civilrights/faq-adrt6.htm>, but complainants request that the

Ex. 6 - Personal Privacy

As you know, Dr. Wing and one of his graduate students, Jill Johnston, submitted a report and disproportionality analysis that was attached to the complaint. He is also an epidemiologist who has expertise on the impacts of CAFOs on people living and going to

school in proximity to the facilities and also on the disproportionate impacts on the basis of race. [REDACTED] Ex. 6 - Personal Privacy [REDACTED] over the

last few months. F [REDACTED] Ex. 6 - Personal Privacy [REDACTED] work, and he is willing to set up an interview with OCR over the summer. I am hopeful that you can accommodate his schedule and arrange an interview, even if the investigation is on hold.

I look forward to your response.

Best,

Marianne

Marianne Engelman Lado

Managing Attorney, Northeast Office

Earthjustice

48 Wall Street, 19th Floor

New York, NY 10005

T: 212.845.7393

F: 212.918.1556

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delete the message and any attachments.

To: O'Lone, Mary[OLone.Mary@epa.gov]
From: Marianne Engelman Lado
Sent: Tue 5/31/2016 9:13:36 PM
Subject: RE: Supplement to the Record, Administrative Complaint 11R-14-R4

I'm just waiting to hear from co-counsel but it looks like June 7th will work, so let's pencil it in.

Ex. 6 - Personal Privacy

so this change may be for the best. I'm hoping this can work.

Thanks for accommodating his schedule now. We should never have gotten to this point but I'm glad we're moving forward.

Best,

Marianne

From: O'Lone, Mary [mailto:OLone.Mary@epa.gov]
Sent: Tuesday, May 31, 2016 2:52 PM
To: Marianne Engelman Lado
Subject: RE: Supplement to the Record, Administrative Complaint 11R-14-R4

Marianne-

We can do it on the 7th during that 12-2 time frame.

Also, if he doesn't have 2 hours still available or 2 hours **Ex. 6 - Personal Privacy** we will work with whatever time limits he needs to set.

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Marianne Engelman Lado [<mailto:mengelmanlado@earthjustice.org>]
Sent: Tuesday, May 31, 2016 12:56 PM
To: O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: Supplement to the Record, Administrative Complaint 11R-14-R4

Sorry: I didn't see that email.

There's an off chance that we might be able to do it on Tuesday, June 7th from 12-2. Would that work for you? Let me know and I can circle back to Dr. Wing and go-counsel to see if we can confirm. That was our back-up date but now that it's only a week away, I'm not sure if it's still available.

Best,

Marianne

From: O'Lone, Mary [<mailto:OLone.Mary@epa.gov>]
Sent: Tuesday, May 31, 2016 12:31 PM
To: Marianne Engelman Lado
Subject: FW: Supplement to the Record, Administrative Complaint 11R-14-R4

Marianne-

In response to your email a few minutes ago. I think you may have missed this one from me asking whether an earlier date & time would be possible for Dr. Wing. If not, just let me know

& I will get it set up for the 15th or 16th.

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: O'Lone, Mary

Sent: Thursday, May 26, 2016 7:06 PM

To: 'Marianne Engelman Lado' <mengelmanlado@earthjustice.org>; Farrell, Ericka
<Farrell.Ericka@epa.gov>

Cc: Haddix, Elizabeth McLaughlin (emclaugh@email.unc.edu) <emclaugh@email.unc.edu>;
Ducharme, Brent <ducharme@email.unc.edu>; Alexis Andiman <aandiman@earthjustice.org>;
Johnson, Johahna <Johnson.Johahna@epa.gov>

Subject: RE: Supplement to the Record, Administrative Complaint 11R-14-R4

Marianne-

I should have mentioned in my first email that we are so pleased to hear about Ex. 6, 7c - Personal Privacy
Ex. 6, 7c - Personal Privacy to speak with us. That is wonderful news.

I hate to ask this, but is it at all possible he would be able to speak with us on June 14th or earlier? I will be out of the office for an extended period of time starting on the 15th.

If it is not possible, we will set it for one of the dates & times you have sent. Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Marianne Engelman Lado [<mailto:mengelmanlado@earthjustice.org>]

Sent: Thursday, May 26, 2016 12:13 PM

To: Farrell, Ericka <Farrell.Ericka@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>

Cc: Haddix, Elizabeth McLaughlin (emclaugh@email.unc.edu) <emclaugh@email.unc.edu>;
Ducharme, Brent <ducharme@email.unc.edu>; Alexis Andiman <aandiman@earthjustice.org>

Subject: Supplement to the Record, Administrative Complaint 11R-14-R4

Dear Mary and Ericka,

This email and attachments are intended both to supplement the record in Administrative Complaint 11R-14-R4 filed on behalf of North Carolina Environmental Justice Network (NCEJN), Rural Empowerment Association for Community Help (REACH) and Waterkeeper Alliance against the North Carolina Department of Environment and Natural Resources, now the Department of Environmental Quality (DEQ) and, also, to follow up on the interview conducted by the Office of Civil Rights (OCR) on May 11, 2016 with Dr. Jill Johnston. In addition, I'm pleased to let you know that **Ex. 6, 7c - Personal Privacy** and has indicated that he would be willing to schedule an interview with OCR. In order to avoid any confusion about materials previously submitted by complainants related to Dr. Wing's work and expertise, we are attaching Dr. Wing's c.v., the original and updated disparities analyses that he co-authored with Dr. Johnston, Dr. Wing's declaration, and Exhibits 2, 50, 52 and 53 to the complaint, each of which were authored or co-authored by Dr. Wing.

With the goal of moving forward in a timely way, I have touched base with Dr. Wing on his availability and am hoping that one of the following times might be convenient for you:

Wednesday, June 15, any time between 9 and noon

Thursday, June 16, from 3-5

In follow up to Dr. Johnston's interview and to supplement the record, attached please find the final published version of Guidry, et al., "Hydrogen Sulfide Concentrations at Three Middle Schools Near Industrial Livestock Facilities," published in the Journal of Exposure Science and Environmental Epidemiology (2016), as well as a paper discussed by Dr. Johnston during the interview, Johnston, et al., "Wastewater Disposal Wells, Fracking, and Environmental Injustice in Southern Texas, published in the American Journal of Public Health (2016) (analyzing racial composition of residents living less than 5 kilometers from disposal wells using a similar approach to the disparities analysis conducted by Drs. Wing and Johnston and submitted by complainants in this case).

We will send additional material in follow up to the interview by separate cover. In addition, we understand that you had hoped to send Dr. Johnston a list of paragraphs in the complaint that she might review to determine whether the characterizations in the complaint are consistent with the findings of the disparities analyses. We await this follow up as well.

Please let me know if this email raises any question. I look forward to hearing back from you regarding a date and time for an interview with Dr. Wing. We can then also discuss the timing for any additional follow up interview with Dr. Johnston.

Thanks again,

Marianne

Marianne Engelman Lado

Senior Staff Attorney

Earthjustice

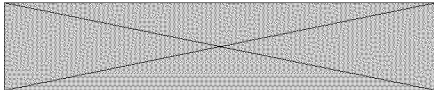
48 Wall Street, 19th Floor

New York, NY 10005

T: 212.845.7393

F: 212.918.1556

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To: O'Lone, Mary[OLone.Mary@epa.gov]
From: Marianne Engelman Lado
Sent: Tue 5/31/2016 4:56:25 PM
Subject: RE: Supplement to the Record, Administrative Complaint 11R-14-R4
removed.txt

Sorry: I didn't see that email.

There's an off chance that we might be able to do it on Tuesday, June 7th from 12-2. Would that work for you? Let me know and I can circle back Ex. 6 - Personal Privacy and go-counsel to see if we can confirm. That was our back-up date but now that it's only a week away, I'm not sure if it's still available.

Best,

Marianne

From: O'Lone, Mary [mailto:OLone.Mary@epa.gov]
Sent: Tuesday, May 31, 2016 12:31 PM
To: Marianne Engelman Lado
Subject: FW: Supplement to the Record, Administrative Complaint 11R-14-R4

Marianne-

In response to your email a few minutes ago. I think you may have missed this one from me asking whether an earlier date & time would be possible for Dr. Wing. If not, just let me know & I will get it set up for the 15th or 16th.

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: O'Lone, Mary

Sent: Thursday, May 26, 2016 7:06 PM

To: 'Marianne Engelman Lado' <mengelmanlado@earthjustice.org>; Farrell, Ericka
<Farrell.Ericka@epa.gov>

Cc: Haddix, Elizabeth McLaughlin (emclaugh@email.unc.edu) <emclaugh@email.unc.edu>;
Ducharme, Brent <ducharme@email.unc.edu>; Alexis Andiman <aandiman@earthjustice.org>;
Johnson, Johahna <Johnson.Johahna@epa.gov>

Subject: RE: Supplement to the Record, Administrative Complaint 11R-14-R4

Marianne-

I should have mentioned in my first email

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

I hate to ask this, but is it at all possible he would be able to speak with us on June 14th or earlier? I will be out of the office for an extended period of time starting on the 15th.

If it is not possible, we will set it for one of the dates & times you have sent. Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Marianne Engelman Lado [<mailto:mengelmanlado@earthjustice.org>]


Sent: Thursday, May 26, 2016 12:13 PM

To: Farrell, Ericka <Farrell.Ericka@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>

Cc: Haddix, Elizabeth McLaughlin (emclaugh@email.unc.edu) <emclaugh@email.unc.edu>;
Ducharme, Brent <ducharme@email.unc.edu>; Alexis Andiman <aandiman@earthjustice.org>

Subject: Supplement to the Record, Administrative Complaint 11R-14-R4

Dear Mary and Ericka,

This email and attachments are intended both to supplement the record in Administrative Complaint 11R-14-R4 filed on behalf of North Carolina Environmental Justice Network (NCEJN), Rural Empowerment Association for Community Help (REACH) and Waterkeeper Alliance against the North Carolina Department of Environment and Natural Resources, now the Department of Environmental Quality (DEQ) and, also, to follow up on the interview conducted by the Office of Civil Rights (OCR) on May 11, 2016 with Dr. Jill Johnston. In addition 

Ex. 6 - Personal Privacy

willing to schedule an interview with OCR. In order to avoid any confusion about materials previously submitted by complainants related to Dr. Wing's work and expertise, we are attaching Dr. Wing's c.v., the original and updated disparities analyses that he co-authored with Dr. Johnston, Dr. Wing's declaration, and Exhibits 2, 50, 52 and 53 to the complaint, each of which were authored or co-authored by Dr. Wing.

With the goal of moving forward in a timely way, I have touched base with Dr. Wing on his availability and am hoping that one of the following times might be convenient for you:

Wednesday, June 15, any time between 9 and noon

Thursday, June 16, from 3-5

In follow up to Dr. Johnston's interview and to supplement the record, attached please find the final published version of Guidry, et al., "Hydrogen Sulfide Concentrations at Three Middle Schools Near Industrial Livestock Facilities," published in the Journal of Exposure Science and Environmental Epidemiology (2016), as well as a paper discussed by Dr. Johnston during the interview, Johnston, et al., "Wastewater Disposal Wells, Fracking, and Environmental Injustice in Southern Texas, published in the American Journal of Public Health (2016) (analyzing racial composition of residents living less than 5 kilometers from disposal wells using a similar approach to the disparities analysis conducted by Drs. Wing and Johnston and submitted by complainants in this case).

We will send additional material in follow up to the interview by separate cover. In addition, we understand that you had hoped to send Dr. Johnston a list of paragraphs in the complaint that she might review to determine whether the characterizations in the complaint are consistent with the findings of the disparities analyses. We await this follow up as well.

Please let me know if this email raises any question. I look forward to hearing back from you regarding a date and time for an interview with Dr. Wing. We can then also discuss the timing for any additional follow up interview with Dr. Johnston.

Thanks again,

Marianne

Marianne Engelman Lado

Senior Staff Attorney

Earthjustice

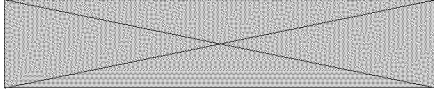
48 Wall Street, 19th Floor

New York, NY 10005

T: 212.845.7393

F: 212.918.1556

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To: Marianne Engelman Lado[mengelmanlado@earthjustice.org]
From: O'Lone, Mary
Sent: Tue 5/31/2016 4:30:56 PM
Subject: FW: Supplement to the Record, Administrative Complaint 11R-14-R4

Marianne-

In response to your email a few minutes ago. I think you may have missed this one from me asking whether an earlier date & time would be possible for Dr. Wing. If not, just let me know & I will get it set up for the 15th or 16th.

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: O'Lone, Mary
Sent: Thursday, May 26, 2016 7:06 PM
To: 'Marianne Engelman Lado' <mengelmanlado@earthjustice.org>; Farrell, Ericka <Farrell.Ericka@epa.gov>
Cc: Haddix, Elizabeth McLaughlin (emclaugh@email.unc.edu) <emclaugh@email.unc.edu>; Ducharme, Brent <ducharme@email.unc.edu>; Alexis Andiman <aandiman@earthjustice.org>; Johnson, Johahna <Johnson.Johahna@epa.gov>
Subject: RE: Supplement to the Record, Administrative Complaint 11R-14-R4

Marianne-

I should have mentioned in my first email that

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

That is wonderful

news.

I hate to ask this, but is it at all possible he would be able to speak with us on June 14th or earlier? I will be out of the office for an extended period of time starting on the 15th.

If it is not possible, we will set it for one of the dates & times you have sent. Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Marianne Engelman Lado [<mailto:mengelmanlado@earthjustice.org>]

Sent: Thursday, May 26, 2016 12:13 PM

To: Farrell, Ericka <Farrell.Ericka@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>

Cc: Haddix, Elizabeth McLaughlin (emclaugh@email.unc.edu) <emclaugh@email.unc.edu>;

Ducharme, Brent <ducharme@email.unc.edu>; Alexis Andiman <aandiman@earthjustice.org>

Subject: Supplement to the Record, Administrative Complaint 11R-14-R4

Dear Mary and Ericka,

This email and attachments are intended both to supplement the record in Administrative Complaint 11R-14-R4 filed on behalf of North Carolina Environmental Justice Network (NCEJN), Rural Empowerment Association for Community Help (REACH) and Waterkeeper Alliance against the North Carolina Department of Environment and Natural Resources, now the

Department of Environmental Quality (DEQ) and, also, to follow up on the interview conducted by the Office of Civil Rights (OCR) on May 11, 2016 with Dr. Jill Johnston. In addition, I'm pleased to let you know that Dr. Wing; Ex. 6 - Personal Privacy and has indicated that he would be willing to schedule an interview with OCR. In order to avoid any confusion about materials previously submitted by complainants related to Dr. Wing's work and expertise, we are attaching Dr. Wing's c.v., the original and updated disparities analyses that he co-authored with Dr. Johnston, Dr. Wing's declaration, and Exhibits 2, 50, 52 and 53 to the complaint, each of which were authored or co-authored by Dr. Wing.

With the goal of moving forward in a timely way, I have touched base with Dr. Wing on his availability and am hoping that one of the following times might be convenient for you:

Wednesday, June 15, any time between 9 and noon

Thursday, June 16, from 3-5

In follow up to Dr. Johnston's interview and to supplement the record, attached please find the final published version of Guidry, et al., "Hydrogen Sulfide Concentrations at Three Middle Schools Near Industrial Livestock Facilities," published in the Journal of Exposure Science and Environmental Epidemiology (2016), as well as a paper discussed by Dr. Johnston during the interview, Johnston, et al., "Wastewater Disposal Wells, Fracking, and Environmental Injustice in Southern Texas, published in the American Journal of Public Health (2016) (analyzing racial composition of residents living less than 5 kilometers from disposal wells using a similar approach to the disparities analysis conducted by Drs. Wing and Johnston and submitted by complainants in this case).

We will send additional material in follow up to the interview by separate cover. In addition, we understand that you had hoped to send Dr. Johnston a list of paragraphs in the complaint that she might review to determine whether the characterizations in the complaint are consistent with the findings of the disparities analyses. We await this follow up as well.

Please let me know if this email raises any question. I look forward to hearing back from you regarding a date and time for an interview with Dr. Wing. We can then also discuss the timing for any additional follow up interview with Dr. Johnston.

Thanks again,

Marianne

Marianne Engelman Lado

Senior Staff Attorney

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delete the message and any attachments.

To: O'Lone, Mary[olone.mary@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]
From: Farrell, Ericka
Sent: Mon 3/7/2016 4:55:20 PM
Subject: RE: EPA OCR Complaint 11R-14-R4 (ADR)
[draft rfi.pdf](#)

Here is the last drafted RFI that I thought we would send out right away if ADR did not go through. We would need to make some changes to the letter since ADR did not work out.

-----Original Message-----

From: O'Lone, Mary
Sent: Monday, March 07, 2016 11:40 AM
To: Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>
Subject: Re: EPA OCR Complaint 11R-14-R4 (ADR)

yep what I thought on the processing. probably only the organic free range places with little preservatives that are getting ready now for Easter.

so would there be a way to figure out which would be most active in the next couple of months besides asking Dr. Wing and/or the various complainants? Those that have summer or even fall harvest crops maybe?

I have attached a case management plan that Dayna sent to Gwen & then a slightly more recent version (not sure what the difference is). I guess we start there now ignoring the ADR section. Let me know if you have anything more recent.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Covington, Jeryl
Sent: Monday, March 7, 2016 11:27 AM
To: O'Lone, Mary; Farrell, Ericka
Subject: RE: EPA OCR Complaint 11R-14-R4 (ADR)

Applications are crop and soil dependent.

The volume of waste is constant and depends on the number of heads and the stage of the animal growth. Not all farmers manage the animals through the entire growth period through finishing process.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

-----Original Message-----

From: O'Lone, Mary

Sent: Monday, March 07, 2016 11:18 AM

To: Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>

Subject: Re: EPA OCR Complaint 11R-14-R4 (ADR)

In your experience in NC -- when are we talking about.

Is it relatively soon and going for the next few months?

Are hams a big Easter dish? Just wondering if that influences the movement of hogs or if that has already happened (i.e., the slaughtering for the most part has already been done).

Ex. 5 - Attorney Client

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Covington, Jeryl

Sent: Monday, March 7, 2016 11:12 AM

To: O'Lone, Mary; Farrell, Ericka

Subject: RE: EPA OCR Complaint 11R-14-R4 (ADR)

Odors from waste lagoons occur when the operators agitated the stored waste (rotary mixing) before field application. The field application loads and sequencing are determined by the type of crop and associated nutrient uptake. Additionally, some fields may require rehabilitation due to nutrient deprivation over the course of the agricultural usage; so, multiple applications and/or other supplementary fertilizers may be integrated in the rehabilitation process also. The season for such may be in process as soon as the soils can uptake the nutrients and ground temperatures are above freezing for a number of consecutive days.

-----Original Message-----

From: O'Lone, Mary

Sent: Monday, March 07, 2016 10:57 AM

To: Farrell, Ericka <Farrell.Ericka@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>

Subject: Fw: EPA OCR Complaint 11R-14-R4 (ADR)

Okey dokey.

Let's talk ASAP.

I will see if we can get Will to talk with us as well.

The tolling letter went out, correct?

Just want to make sure we have the record that the Feb. 20, 2015 date is not when the 180 day clock starts.

Jeryl-

When is the optimal time for odor again?

I thought it was now or soon when the weather arms up, etc.

Also, Julia flagged that the show Vice on HBO had an episode on NC CAFOs this past week. I was going to try to find it on Amazon at some point, but now maybe sooner.

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Covington, Jeryl

Sent: Monday, March 7, 2016 10:40 AM

To: O'Lone, Mary; Golightly-Howell, Velveta; Dorka, Lilian; Wooden-Aguilar, Helena; Temple, Kurt; Packard, Elise; Rhodes, Julia; Farrell, Ericka

Cc: Whickum, Cheryl

Subject: RE: EPA OCR Complaint 11R-14-R4 (ADR)

Ms. Whickum is scheduling the meeting to discuss next steps.

P.S. The case manager for REACH is Ericka Farrell; I am serving as the technical staff on this investigation.

-----Original Message-----

From: O'Lone, Mary

Sent: Monday, March 07, 2016 10:39 AM

To: Golightly-Howell, Velveta <Golightly-Howell.Velveta@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Wooden-Aguilar, Helena <Wooden-Aguilar.Helena@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>

Cc: Covington, Jeryl <Covington.Jeryl@epa.gov>; Whickum, Cheryl <Whickum.Cheryl@epa.gov>

Subject: Re: EPA OCR Complaint 11R-14-R4 (ADR)

Velveta-

Oh no, I am so sorry to hear the ADR has failed.

I will work with Jeryl (who is both acting AD this week & Case manager) to prepare for a meeting.

FYI. I am out this Friday at training.

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Golightly-Howell, Velveta

Sent: Monday, March 7, 2016 9:43 AM

To: Dorka, Lilian; Wooden-Aguilar, Helena; Temple, Kurt; Packard, Elise; Rhodes, Julia; Farrell, Ericka; O'Lone, Mary

Cc: Covington, Jeryl; Whickum, Cheryl

Subject: FW: EPA OCR Complaint 11R-14-R4 (ADR)

FYI. A case discussion is needed to determine next steps. As Case Manager, would you please contact Ms. Whickum to coordinate it?

Velveta

Velveta Golightly-Howell

Director, Office of Civil Rights

Environmental Protection Agency

1200 Pennsylvania Avenue, N.W.

Mail Code 1201A

Washington, DC 20460

202-564-7272

-----Original Message-----

From: Marianne Engelman Lado [mailto:mengelmanlado@earthjustice.org]

Sent: Monday, March 07, 2016 9:37 AM

To: Covington, Jeryl <Covington.Jeryl@epa.gov>

Cc: Golightly-Howell, Velveta <Golightly-Howell.Velveta@epa.gov>; Elizabeth McLaughlin Haddix <emclaugh@email.unc.edu>; Hall, William <Hall.William@epa.gov>

Subject: EPA OCR Complaint 11R-14-R4 (ADR)

Re: EPA OCR Complaint 11R-14-R4

Dear Ms. Covington,

This email is intended to provide notice that complainants REACH, North Carolina Environmental Justice Network (NCEJN) and Waterkeeper Alliance, Inc., have come to the conclusion that Alternative Dispute Resolution in the above-mentioned case is not productive and is only serving to delay resolution of the complaint. We have also conveyed this information to the North Carolina Department of Environmental Quality, Will Hall, and the mediator, Michael Lewis.

We request that OCR initiate its investigation of the allegations that were accepted on February 20, 2015.

Please contact me at your earliest convenience to set up an interview with Dr. Steve Wing. As we have discussed, **Ex. 6 - Personal Privacy** and we hope to schedule a time in the near future that is as convenient as possible for him.

Finally, we wanted to mention that our initial mediation session was interrupted by an effort by the National and North Carolina Pork Councils to interject themselves into the mediation process. Despite the terms of ADR, which included a requirement that mediation be confidential, and despite our clear opposition to their self-styled "motion to intervene" in the complaint and mediation process, five representatives from the Pork Council appeared without notice to Complainants at the first mediation session. Their presence and insistence at playing a role in mediation delayed the start of our session and acted as a form of intimidation of our clients. Representatives from DEQ failed to object to the behavior. Indeed, quite the opposite, they tried to persuade Complainants to consent to bringing the Pork Councils into mediation. We thought it was relevant and important to bring these events to your attention.

Sincerely,

Marianne

Marianne Engelman Lado
Senior Staff Attorney
Earthjustice
48 Wall Street, 19th Floor
New York, NY 10005